

Court of Appeals, State of Michigan

ORDER

People of MI v Jarrett Wade Swanigan

Docket No. 257144

LC No. 04-002842-02

William C. Whitbeck, CJ
Presiding Judge

Michael J. Talbot

Christopher M. Murray
Judges

On December 22, 2005, this panel issued an opinion in the above appeal, remanding the case to the trial court for an evidentiary hearing "on the limited issue of whether the absence of testimony at trial of witness Brandon Gilkey constituted ineffective assistance of counsel." This Court retained jurisdiction.

The remand hearing took place over four days. The trial judge issued his 33-page opinion on April 12, 2006. The trial court found that Gilkey's testimony was inconsistent with his affidavit filed with this Court, that he is not a credible witness, that defendant's trial counsel had contacted Gilkey but determined that his testimony was not relevant or helpful, and that defendant's trial counsel was not ineffective for not calling Gilkey as a witness.

After reviewing the trial court's thorough opinion, we affirm defendant's convictions and sentences.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

MAY 05 2006

Date

Sandra Schultz Mengel
Chief Clerk